

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )                           **8:04CR450**  
vs.                         )  
                                )  
**JOHN C. EZELL,**         )  
                                )  
Defendant.                 )

Defendant John C. Ezell (Ezell) appeared before the court on August 26, 2008, on the Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 41). Ezell was represented by Assistant Federal Public Defender Jessica P. Douglas and the United States was represented by Assistant U.S. Attorney Michael P. Norris. Through his counsel, Ezell waived a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Report alleges probable cause and that Ezell should be held to answer for a final dispositional hearing before Chief Judge Joseph F. Bataillon.

The government moved for detention. Ezell presented no evidence. Since it is Ezell's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, I find he has failed to do so. In light of Ezell's previous criminal record including the circumstances of the current violations, the court finds Ezell to be both a flight risk and a danger to the community. Ezell should be detained pending a dispositional hearing before Chief Judge Bataillon.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Chief Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:00 a.m. on September 4, 2008**. Defendant must be present in person.
2. Defendant John C. Ezell is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 26th day of August, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge